

AUSTIN CITY COUNCIL AGENDA

THURSDAY, OCTOBER 27, 2005, THE COUNCIL CHAMBERS OF CITY HALL, 301 WEST
2ND STREET, AUSTIN, TEXAS.



For meeting information, contact the City Clerk, 974-2210

THE CITY OF AUSTIN IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE PLEASE CALL 974-3256 OR 974-2445 TDD.

AUSTIN CITY CLERK
POSTED TO CITY HALL
05 OCT 21 PM 6:43

WILL WYNN, MAYOR ♦ DANNY THOMAS, MAYOR PRO TEM
LEE LEFFINGWELL ♦ RAUL ALVAREZ ♦ JENNIFER KIM ♦ BETTY DUNKERLEY ♦ BREWSTER MCCracken

**NOTICE OF REGULAR MEETING
THURSDAY, OCTOBER 27, 2005**

9:55 A.M. Invocation..... 2
 10:00 A.M. City Council Convenes..... 2
 READING AND ACTION ON CONSENT AGENDA..... 3
 Meeting Minutes 3
 Austin Energy 3
 Economic Growth and Redevelopment Services..... 4
 Health and Human Services..... 4
 Law 4
 Library..... 5
 Management Services 5
 Police..... 5
 Public Works..... 5
 Purchasing..... 6
 ITEMS FROM COUNCIL 6
 Item(s) to Set Public Hearing(s) 7
 12:00 P.M. CITIZEN COMMUNICATIONS: GENERAL 8
 EXECUTIVE SESSION (No Public Discussion On These Items) 8
 2:00 PM BRIEFINGS 8
 4:00 P.M. ZONING HEARINGS AND APPROVAL OF ORDINANCES AND
 RESTRICTIVE COVENANTS..... 9
 Zoning and Neighborhood Plan Amendment Hearings and Approval of Ordinances /
 Restrictive Covenants 9
 5:30 P.M. LIVE MUSIC AND PROCLAMATIONS 10
 LIVE MUSIC..... 10
 PROCLAMATIONS..... 11
 6:00 P.M. BRIEFINGS..... 11
 6:00 P.M. PUBLIC HEARINGS AND POSSIBLE ACTION 11
 Management Services 11
 Neighborhood Planning and Zoning..... 12

9:55 A.M. Invocation

Deacon Ralph Arevalo, St. Julia Catholic Church

10:00 A.M. City Council Convenes

**THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS WILL CONVENE AT
 10:00 AM ON THURSDAY, OCTOBER 27, 2005, IN THE COUNCIL
 CHAMBERS OF CITY HALL, 301 WEST 2ND STREET, AUSTIN, TEXAS.**

The City Council will go into a closed session under Chapter 551 of the Texas Government Code to receive advice from legal counsel, to discuss matters of land acquisition, to discuss personnel matters, to discuss or take action on a "competitive matter" of Austin Energy as provided for under Section 551.086, or for other reasons permitted by law as specifically listed on this agenda. If necessary, the City Council may go into a closed session as permitted by law regarding any item on this agenda.

READING AND ACTION ON CONSENT AGENDA

ACTION ON THE FOLLOWING:

ORDINANCES / RESOLUTIONS / MOTIONS - All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Council Member.

Meeting Minutes

1. Approval of the minutes from the meetings of September 29, and October 20, 2005.

Austin Energy

2. Approve a resolution authorizing the City Manager to take all action necessary to lease the City's undivided 50 percent interest in 551.49 acres of land in Franklin Lewis League, A-64, the S. P. Brown League, A-22 and the J. M. Hensley League, A-54, Fayette County, Texas for mineral interest development, including publication of a notice of intent to lease land for mineral development. (Revenue producing contract.) (Recommended by the Electric Utility Commission.)
3. Authorize an increase of \$500,000,000 in spending authority for Austin Energy's Energy Risk Management Program for the purchase or sale of financial contracts traded on regulated commodity exchanges, over-the-counter hedging transactions, and related credit, security, and insurance agreements, for a total aggregate amount of spending authority not to exceed \$800,000,000. (Funding in the amount of \$800,000,000 for related expenses associated with the purchase and sale of financial hedging instruments for fuel and power under the Risk Management Program will be provided through the Electric Fuel Charge revenue.) (Recommended by the Electric Utility Commission.) (Related Item 25)

Economic Growth and Redevelopment Services

4. Approve an amendment to the Memorandum of Understanding for East Austin Economic Development between the City and Robertson Hill Land, Ltd., to revise terms regarding obligations of the owner with respect to affordable housing, definitions, effective date, and to include a subject to future appropriations provision. The agreement concerns economic redevelopment of an area generally bounded by IH-35, 8th Street, San Marcos Street, and 11th Street.

Health and Human Services

5. Approve execution of Interlocal Agreements between the City and the Travis County municipalities of Jonestown, Lago Vista, Lakeway, Manor, Sunset Valley, and Volente to provide public health enforcement services, including permitting and inspection of food establishments and general environmental complaint investigation, for the period of October 1, 2005 through September 30, 2006, with automatic annual renewal options. The total cumulative payment to the City of Austin for the initial term shall not exceed \$54,170. (Funding in the amount of \$54,170 in unanticipated revenues for the General Fund. A fiscal note is not required.)

Law

6. Approve an amendment to the legal service contract with KEMP SMITH, L.L.P. for legal representation, advice and counsel regarding the November 3, 2003 explosion at the North Service Center located at 10715 Burnet Road in an amount of \$120,000 for a total contract amount not to exceed \$270,000. (Funding in the amount of \$120,000 is available in the Fiscal Year 2005-2006 Approved Operation Budget of the Liability Reserve Fund.) (Related Item 23)
7. Approve a resolution directing the City Manager to initiate the process of a Code correction regarding application of water quality impervious cover regulations to subdivisions and site plan applications.

Library

8. Approve an ordinance authorizing acceptance of \$44,443 in grant funds from the Texas State Library and Archives Commission, Texas Responds grant; amending Fiscal Year 2005-2006 Library Department Operating Budget Special Revenue Fund of Ordinance No. 20050912-001 to appropriate \$44,443 to the Austin Public Library's Texas Responds project. (Funding in the amount of \$44,443 is available from the Texas State Library and Archives Commission. The grant period is October 1, 2005 through February 28, 2006. No City match is required.)

Management Services

9. Consider and set the City Council meeting schedule for the calendar year 2006.

Police

10. Approve an ordinance amending Sections 12-5-29 and 12-5-89 of the City Code relating to restrictions on parking a motor vehicle in the front yard or side yard of a residential property.

Public Works

11. Approve an ordinance amending Chapter 13-2 of the City Code to create a taxicab fuel surcharge and provide for reimbursement of toll road fees. (Recommended by the Urban Transportation Commission.)
12. Authorize negotiation and execution of a professional services agreement with MALCOLM PIRNIE, INC., Austin, TX for preliminary engineering and design services for the Davis Water Treatment Plant Flocculator Improvements Project in an amount not to exceed \$400,000. (Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.) Best statement of qualifications of four received. 15.90% MBE and 14.20% WBE subconsultant participation. (Recommended by the Water and Wastewater Commission.)
13. Approve a resolution adopting an Interlocal Agreement with the Texas Transportation Institute (TTI) to perform a best practices study on various transportation issues, including speed management on roads and pedestrian and bicyclist safety for a maximum amount not to exceed \$8,000. (Funding in the amount of \$8,000 is available in the Fiscal Year 2005-2006 Capital Budget of the Public Works Department.)

Purchasing

14. Authorize execution of a contract through the State of Texas Multiple Awards Schedule (TXMAS) with LANDSCAPE FORMS, Kalamazoo, MI, for the purchase of outdoor street benches for the City Hall and Retail District in an amount not to exceed \$92,629.28. (Funding is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Neighborhood Planning and Zoning Department and the Great Street Parking Meter Revenue Fund.) Purchasing Cooperative.

15. Authorize execution of a 12-month service agreement with VRM SECURITY & PROTECTION AGENCY, Humble, TX, for security and crowd management services in an amount not to exceed \$92,167, with two 12-month extension options in an amount not to exceed \$92,167 per extension option, for a total agreement amount not to exceed \$276,501. (Funding in the amount of \$84,486.38 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Convention Center Department. Funding for the remaining one month of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid meeting specification of seven bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

16. Authorize execution of a contract with AVW-TELAV AUDIO VISUAL SOLUTIONS, Austin, Texas for the purchase, delivery, and installation of rigging, lighting and sound equipment for the Austin Convention Center, Exhibit Hall 5, in an amount not to exceed \$324,838. (Funding is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Austin Convention Center Department.) One bid received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

ITEMS FROM COUNCIL

17. Appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies, and removal and replacements of members.

18. Adopt a resolution to rename the theater inside the Carver Museum the Boyd Vance Theatre. (Mayor Pro Tem Danny Thomas and Council Member Brewster McCracken)

19. Approve a resolution directing the City Manager to initiate the process of relocating Austin Energy's Energy Control Center from its current location and reduce the surface area of the Seaholm substation to increase the amount of land available for development within the Central Business District. (Council Member Brewster McCracken, Mayor Will Wynn and Council Member Betty Dunkerley)
20. Direct the City Manager to initiate a process regarding preservation of the Maverick Miller House and the transfer of development rights. (Mayor Will Wynn and Council Member Lee Leffingwell)

Item(s) to Set Public Hearing(s)

21. Set a public hearing to consider a variance request by Janet Maykus to allow construction of an addition to a single-family residence at 403 West 55 1/2 Street in the 25-year and 100-year floodplains of Waller Creek and to waive requirement to dedicate a drainage easement to the full limit of the 100-year floodplain. (Suggested date and time: November 3, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street).
22. Set a public hearing to consider an ordinance amending the Save Our Springs Initiative Ordinance by adopting an amendment to the Land Development Standards Agreement between the City and the Austin Independent School District. Certain provisions of this Agreement affect the development of school sites located in the Barton Springs zone subject to Chapter 25-8, Article 12 (Save Our Springs Initiative) as it applies to certain schools within the Barton Springs Zone. (Suggested date and time: November 3, 2005 at 6:00 p.m., City Hall Council Chambers, 301 W. 2nd Street)

12:00 P.M. CITIZEN COMMUNICATIONS: GENERAL

Susana Almanza - Critical Housing Crisis in East Austin Due to Gentrification and Unfair Tax Burden and Unfair Process of Law Suits for Delinquent Taxes

Jennifer Gale - One Third of the Austin City Council Members are illegal

Pat Johnson - Valet Parking Permit Holders & Pedal Cabs. The intersection of 4th and Colorado is a nightmare on weekend nights with the pedal cabs blocking the road not to mention the line of unoccupied vehicles parking in a moving lane of traffic that it's owner left with the valet service. Not only is it against the law to leave a vehicle unoccupied with it's engine running, but poses a risk of being stolen by an intoxicated individual that could run over pedestrians.

Vickie Karp - Electronic Voting

EXECUTIVE SESSION (No Public Discussion On These Items)**Private Consultation with Attorney - Section 551.071**

23. Discuss legal issues regarding the November 3, 2003 explosion at the North Austin Service Center located at 10715 Burnet Road and the legal service contract with Kemp Smith LLC. (Related Item 6)
24. Discuss legal issues regarding the project commonly known as "Lantana" (Advanced Micro Devices) described in the Patton Ranch Revised Preliminary Plan, number C8-84-102(88), approved on August 23, 1988. This project is in an area subject to the Save Our Springs Initiative Ordinance.

Public Power Utility Competitive Matters - Section 551.086

25. Briefing and discussion of issues relating to proposed increase of spending authority for Austin Energy's Energy Risk Management Program. (Related Item 3)

2:00 PM BRIEFINGS

26. Report from the Renaissance Market Commission.

27. Report from the Solid Waste Advisory Commission Long-Range Task Force.

4:00 P.M. ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS

Zoning and Neighborhood Plan Amendment Hearings and Approval of Ordinances / Restrictive Covenants

- Z- 1 C14-05-0143 - Quality Liquors - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13290-A Pond Springs Road (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning for Tract 1, and commercial liquor sales (CS-1) district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant community-commercial-conditional overlay (GR-CO) combining district zoning for Tract 1, and commercial liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 2. Applicant and Agent: Farideh Babazadeh. City Staff: Sherri Sirwaitis, 974-3057.
- Z- 2 C14-05-0144 - Longhorn International - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 16235, 16301, 16321 and 16330 North Interstate Highway-35 Service Road,(Gilleland Creek Watershed) from community commercial (GR) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Security Land Investment Venture (J. Waymon Levell). Agent: Lopez-Phelps & Associates (Amelia Lopez-Phelps). City Staff: Sherri Sirwaitis, 974-3057.
- Z- 3 C814-90-0003.13 - Harris Branch PUD Amendment #13 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property located at 1375 U.S. Highway 290 East at Proposed State Highway 130 (Harris Branch, Gilleland Creek, Decker Creek Watersheds) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) zoning with conditions. Applicant: Austin HB Residential Properties (John McCullough). Agent: Minter, Joseph & Thornhill, P.C. (John M. Joseph). City Staff: Sherri Sirwaitis, 974-3057.

- Z- 4 C14-05-0074 - H20 Car Wash - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3327 West Slaughter Lane (Slaughter Creek-Barton Springs Zone) from limited office-conditional overlay (LO-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning with conditions. Applicant and Agent: Terra Advisors, DBA (Michael F. Doerr). City Staff: Wendy Walsh, 974-7719. A valid petition has been filed in opposition to this rezoning request.
- Z- 5 C14-05-0121 - 5505 Montview - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5505 Montview Street (Shoal Creek Watershed) from family residence-conditional overlay (SF-3-CO) combining district zoning to family residence-conditional overlay (SF-3-CO) combining district zoning in order to modify a condition of zoning. Zoning and Platting Commission Recommendation: To deny family residence-conditional overlay (SF-3-CO) combining district zoning in order to modify a condition of zoning. Applicant: Anthony Delmonico. Agent: Mike McHone Realty (Mike McHone). City Staff: Jorge Rousselin, 974-2975. A valid petition has been filed in opposition to this rezoning request.

5:30 P.M. LIVE MUSIC AND PROCLAMATIONS

LIVE MUSIC

Dr. Mario Garza, Austin Powwow and Indian Heritage Festival

PROCLAMATIONS

Proclamation - Pulmonary Hypertension Awareness Month - to be presented by Mayor Will Wynn and to be accepted by Lisa Shelby and LaDonna Molina

Proclamation - Municipal Courts Week - to be presented by Mayor Will Wynn and to be accepted by Presiding Judge Evelyn McKee

Certificate of Appreciation - Brown Distributing Company - to be presented by Mayor Will Wynn and to be accepted by Laurie Watson

Proclamation - Archives Week - to be presented by Mayor Will Wynn and to be accepted by April Norris

Certificates of Congratulations - Volunteers of the Month for September and October - to be presented by Council Member Brewster McCracken and to be accepted by Harry Jordan and representatives of The Hearts of Central Texas (volunteers who worked with Katrina and Rita relief efforts)

6:00 P.M. BRIEFINGS

28. Staff presentation of the African American Quality of Life Project Implementation Team regarding recommendations related to African American quality of life in Austin, developed through facilitated community discussions held between April and October of 2005.

6:00 P.M. PUBLIC HEARINGS AND POSSIBLE ACTION**Management Services**

29. Conduct a public hearing relating to the adoption of an ordinance amending Section 9-4-13 (*Aggressive Solicitation Prohibited*), Section 9-4-14 (*Sitting or Lying Down on Public Sidewalks in the Downtown Area Prohibited*), Section 9-4-22 (*Solicitation between Certain Hours Prohibited*), and Section 12-1-27 (*Solicitations Between an Occupant of a Motor Vehicle and a Pedestrian*) of the City Code.

Neighborhood Planning and Zoning

30. Conduct a public hearing for the full purpose annexation of the Wildhorse Shapiro Tract (Approximately 185 acres located in Travis County north of U.S. Highway 290 East at the intersection of U.S. Highway 290 East and the proposed State Highway 130.)
31. Conduct a public hearing for the full purpose annexation of the Maynard Tract (Approximately 1.7 acres in southeastern Travis County north of Burleson Road, approximately 970 feet east of the intersection of Burleson Road and U.S. Highway 183 South.)
32. Conduct a public hearing for the full purpose annexation of the COA Parkland Arcas: (a) Tract One: Johnny Morris Road (Approximately 195 acres in Travis County east of Johnny Morris Road, approximately seven tenths of a mile south of the intersection of Johnny Morris Road and U.S. Highway 290 East); (b) Tract Two: Morrison Ranch (Approximately 321 acres in Travis County south of FM 969, approximately one half mile east of the intersection of FM 969 and Decker Lane.)
33. Conduct a public hearing on the full purpose annexation of the Rancho Alto Area (Approximately 83 acres in Travis County south of Frate Barker Road, approximately three tenths of a mile west of the intersection of Frate Barker Road and Manchaca Road.)
34. Conduct a public hearing for the full purpose annexation of the Lowe's at Brodie Area (approximately 35 acres in Travis County west of Brodie Lane, approximately three tenths of a mile north of the intersection of Brodie Lane and William Cannon Drive.)
35. Conduct a public hearing for the limited purpose annexation of the Scarbrough Subdivision area (Approximately 46 acres located in Travis County west of the intersection of IH-35 North and Three Points Drive between Bratton Lane and IH-35 North).

36. Conduct a public hearing for the full purpose annexations of the following Avery Ranch Areas:**Tract One: Avery South Section Two, Phase Three:** Approximately 8.618 acres in Williamson County (approximately 197 feet north of the intersection of Fernhill Drive and Castle Pines Drive);**Tract Two: Avery South Section Two, Phase Four:** Approximately 7.380 acres in Williamson County (approximately 112 feet south of the intersection of Fernhill Drive and Morgan Creek Drive);**Tract Three: Avery South Section Two, Phase Five:** Approximately 17.314 acres in Williamson County (approximately 180 feet south of the intersection of Morgan Creek Drive and Branhall Drive);**Tract Four: Avery South Section Two, Phase Six:** Approximately 22.866 acres in Williamson County (approximately 147 feet south of the intersection of Edenderry Drive and Caves Valley Drive);**Tract Five: Avery Far West Phase 1, Section 6:** Approximately 16.998 acres in Williamson County west of the intersection of Staked Plains Loop and Springs Head Loop
37. Conduct a public hearing for the full purpose annexation of the Pond Springs Road Area (Approximately 55 acres in Williamson County east of Pond Springs Road from the intersection of Pond Springs Road and Hunters Chase Drive extending northwest to approximately 400 feet past the intersection of Pond Springs Road and Eddystone Street.)
38. Conduct a public hearing for the full purpose annexation of the Interport area (approximately 626 acres) located in eastern Travis County north of State Highway 71 East approximately 720 feet east of the intersection of State Highway 71 East and Fallwell Lane.

ADJOURN

THE CITY OF AUSTIN IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE PLEASE CALL 974-3256 OR 974-2445 TDD.

A person may request a Spanish language interpreter be made available by contacting the City Clerk's Office at 974-2210 no later than three hours before the scheduled time of the item on which the person wishes to speak at the council meeting.

Cualquier persona puede solicitar servicios de intérprete en español comunicándose con la oficina del Secretario/a Municipal al 974-2210 a no más tardar de tres horas antes de la hora determinada para el asunto sobre el cual la persona desea comentar en la sesión del Consejo.

Council Meetings

January 13, 2005
January 27, 2005

February 3, 2005
February 10, 2005
February 17, 2005

March 3, 2005
March 10, 2005
March 24, 2005

April 7, 2005
April 14, 2005
April 28, 2005

May 12, 2005
May 19, 2005
May 26, 2005

June 9, 2005
June 23, 2005

July 28, 2005

August 4, 2005
August 18, 2005
August 25, 2005

September 1, 2005
September 12,13,14
(Budget Readings)
September 29, 2005

October 6, 2005
October 20, 2005
October 27, 2005

November 3, 2005
November 17, 2005

December 1, 2005
December 15, 2005

Cancelled Meetings

January 6, 2005

January 20, 2005

February 24, 2005

March 17, 2005
March 31, 2005

April 21, 2005

May 5, 2005

June 2, 2005
June 16, 2005
June 30, 2005

July 7, 2005
July 14, 2005
July 21, 2005

August 11, 2005

September 8, 2005

September 15, 2005
September 22, 2005

October 13, 2005

November 10, 2005
November 24, 2005

December 8, 2005
December 22, 2005
December 29, 2005